

Application Number 10/511931
Response to the Office Action mailed March 3, 2009

REMARKS

Applicants request reconsideration of this application in view of the above amendments and the following remarks. Claims 1-62 were cancelled without prejudice or disclaimer and claims 69 and 70 are newly added. Applicants have not added new matter; support for claims 69 and 70 are given in the originally filed specification at page 34, lines 32-33 which state that "it is also possible to change the number of elements depending on the recording density ... of the disk." Claims 63-70 are pending.

Objection to the Drawings

The objection to the drawings requested that the claimed feature of "performing recording at a first recording density and a second recording density that is higher than the first recording density" be shown in the drawings. FIGS. 5 and 6 show the claimed features wherein FIG. 5 as described in the specification at page 15, lines 9-10 is a waveform when recording at an increased recording density. FIG. 6 is described on page 20, lines 5-6 as a waveform showing the second recording density that is lower than the first recording density, *see* page 19, line 17. Also observe that the correction amount in FIG. 5, $\Delta(6,3)F$ is different than that in FIG. 6 which is $\Delta 3F$. Applicants thus request that the objection to the drawings be withdrawn.

The Indefiniteness Rejection

Applicants traverse the rejections of claims 64 and 66 under 35 U.S.C. §112, second paragraph as being indefinite. Applicants amend claim 64 and 66 to be dependent upon new claims 69 and 70, respectively. New claims 69 and 70 provide that a first number of elements, which is the number of the elements to be corrected when recording at the first recording density is different or changed from a second number of elements, which is the number of the elements to be corrected when recording at the second recording density. Claims 64 and 65 now provide that the first recording density is higher than the second recording density and the second number of elements is smaller than the first number of elements. Applicants thus have provided definiteness to claims 64 and 66 and request the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

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The Rejection under 35 U.S.C. §102(b)

Applicants traverse the rejections of claims 63, 65, 67-68 as being anticipated by US Patent 6101159 to Shoji et al. (Shoji '159). Shoji '159 does not teach or disclose that "the number of elements to be corrected is changed depending on a recording density," as required by claim 63 or that "the recording pulse correction differentiates a number of elements, which is the number of elements to be corrected, according to a recording density....", as required by claim 65.

The rejection admits that Applicants disclose at least two types of recording densities, one with a minimum length of 0.35 μm and the second one with a minimum mark length of 0.55 μm . Shoji '159, however, describes in column 17, line 60 to column 18, line 6 "a shortest mark length of 0.595 μm ," as the only parameter indicating a recording density. Shoji '159, therefore, does not change the recording density and hence does not change the number of elements to be corrected depending on or according to the recording density, as required by claims 63 and 65. Applicants thus request that the rejection of claims 63, 65, 67-68 be withdrawn and that claims 63-70 be allowed.

Allowable Subject Matter

Applicants acknowledge that previously presented claims 64 and 66 were allowable if rewritten to overcome the rejections and to include all the limitations of the base claims and any intervening claims. Applicants request acknowledgement that amended claims 64 and 66 are also allowable.

If there are any remaining issues that could be easily resolved by telephone, the Examiner is invited to contact the Applicants' representative listed below.



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Respectfully submitted,

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